

Remarks

Claims 1-15 were pending. Claims 16-19 are new. Claim 9 is canceled. Claims 11 and 12 are amended. After the changes, claims 1-8 and 10-19 are pending in the application. Please reconsider and reexamine the application in light of the amendments and remarks which follow.

The basis for the amendment to the specification paragraph number [0008] appears in Figs. 1-3. Additionally, such a “lone” axis and “circular” plate are implicit from original paragraph number [0008] which states “an” axis, and that the hot plate may be “round”. The basis for new claims 17 and 19 appears at amended paragraph number [0008] of the specification and in Figs. 1 & 3. The basis for new independent claim 18 appears in original claim 1, paragraph number [0008] lines 1-2 and paragraph number [0013] lines 4-8 of the specification. The basis for the amendment to claim 11 appears at paragraph number [0008] lines 1-2 and paragraph number [0013] lines 4-11 of the specification. Claim 12 was amended to make such claim consistent with amended claim 11 and to supply proper antecedent basis. The basis for new claim 16 appears at paragraph number [0013] lines 8-11 of the specification.

All of the claims were rejected under section 102(b) and/or 103(a) over Smith, U.S. patent no. 5,134,263; over Lipoma, U.S. patent no. 3,718,082; and over various combinations thereof with Ingram et al, U.S. patent no. 3,881,403; and Pinceloup, U.S. patent no. 5,541,390. Please reconsider such rejections in light of the amendments and the remarks which follow.

With respect to amended claim 1, it is believed that the combination as claimed including the “hot plate” is a point of novelty per rule 37 CFR 1.111(c). The specification at

paragraph 0008 as compared to paragraph 0018 evidences that the embodiments shown in Figs. 1-3 with a hot plate 10 is distinctly different from the embodiment shown in Fig. 4 with a heated conveyor 110. A “hot plate” is a small device for cooking food, usually with only one or two gas or electric burners. (See Exhibit A which is a copy taken from Webster’s New World College Dictionary, Fourth Edition, 2002). This is consistent with the recitation in paragraph 0008 that the hot plate is metallic, is heated by a gas heater 16, and that the hot plate is small by viewing its size relative to the food product 18 (pizza, hamburger meat, cookies per paragraph 0020) as shown in the figures. Smith et al and Lipoma do not disclose or suggest a hot plate. Smith et al disclose and teach only a conveyor 22 (col. 4, L. 37). A conveyor cannot be a hot plate (as defined above and shown in applicant’s Figs. 1-3). Moreover, Smith et al’s conveyor is not taught to be hot (although hot air is introduced in the region via tubes 62), and with reference to the drawings the conveyor 22 implicitly is not small. Lipoma discloses and teaches only a conveyor 15 (col. 4, L. 51-52) which moreover is taught to be plastic and is not taught to be hot (although hot air is introduced in the region via steam outlets 29), and with reference to the drawings the conveyor 15 implicitly is not small. Also, Pinceloup discloses only a conveyor 10, and Ingram et al disclose only a conveyor system 22. Hence, the “hot plate” in applicant’s claim 1 is believed to be a point of novelty in the combination as claimed.

New apparatus claim 17 further recites that the hot plate is circular which is believed to be a further point of novelty from the conveyors disclosed in the various cited patents.

New apparatus claim 18 is similar to claim 1 but further recites the lone axis connected to the center of the hot plate with the motor connected to the axis for turning the hot plate. The cited art does not teach or suggest a lone axis connected to the hot plate for

circular/rotational movement of the hot plate relative to the heating chamber. This is believed to be another point of novelty in the overall claimed combination as compared to the cited art. In the cited art, a lone axis is not connected to the respective conveyors and, in each, the movement is linear through the heating chamber (including Pinceloup which requires at least two axes and where each heating chamber 2 is located along a linear section of the conveyor loop).

New apparatus claim 19 further recites that the hot plate is circular which is believed to be a further point of novelty from the conveyors disclosed in the various cited patents.

With respect to claim 11 as amended, it is believed Smith et al, Lipoma and Pinceloup only disclose linear movement on a conveyor through a heating chamber. While Pinceloup at col. 4, L. 1-10 teaches arranging the system in a loop, it only teaches and suggests heating chambers 2 along a linear portion of his loop (see Pinceloup's Figs. 1 & 2). Hence, the rotational movement used to move the food product through the heating chamber in combination with heating the food product on a hot plate is believed to be a further point of novelty.

New claim 16 recites another point of novelty from the cited art in that whilst the food product is moved through the heating chamber on a rotating hot plate, it is also rotated relative to the hot plate due to friction between the food product and the hot plate, friction between the food product and the wall of the heating chamber, and relative motion between the hot plate and the heating chamber. This methodology is discussed at paragraph number [0008] lines 1-2 and paragraph number [0013] lines 4-11 of the specification.

Hence with respect to each claim as currently pending, it is believed the cited art does not anticipate and does not teach or suggest each respective claimed combination as a whole.

Please reconsider and reexamine the application in light of the remarks; and telephone the undersigned attorney if it could help to expedite the resolution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Mark A. Oathout', written over a horizontal line.

Mark A. Oathout, Attorney for Applicant
Registration No. 33,747
3701 Kirby Drive,
Suite No. 960
Houston, Texas 77098
Telephone (713) 522-6565
Facsimile (713) 522-8889
mark@oathoutlaw.com